

AUBURN CITY COUNCIL MINUTES REGULAR SESSION

September 27, 2004, 6:00 p.m.

The Regular Session of the Auburn City Council was held in the Council Chamber, City Hall at 1225 Lincoln Way, Auburn, California with Mayor Cheryl Maki presiding and City Clerk Joseph G.R. Labrie recording the minutes.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

Council Members Present: Kathy Sands, Alice Dowdin,
Kevin Hanley, Mike Holmes,
Mayor Cheryl Maki

Council Members Absent: None

Staff Members Present: City Manager Bob Richardson
City Attorney Charles Wachob
Fire Chief Mark D'Ambrogi
Interim Public Works Director
Jack Warren
Community Development
Director Will Wong

MAYOR'S COMMENDATIONS/PROCLAMATIONS/ACKNOWLEDGEMENTS/ ANNOUNCEMENTS

Mayor's Proclamation: Auburn Symphony Month, October 2004. Accepted by Symphony President Harlan Van Vooren.

AGENDA APPROVAL

At the request of the City Manager and by unanimous consent of the Council, item 4A was added to the agenda.

CONSENT CALENDAR

1. **Council Minutes**

By **MOTION** approve City Council Minutes of September 13, 2004 and Joint Council-AUDA Minutes of September 13, 2004.

2. **Submittal of Application for Grant Funds in the Amount of \$438,768 for the Restoration of Cooper Amphitheater**

By **RESOLUTION 04-118** approve the application for CCHE Grant Funds for the California Cultural and Historical Endowment (CCHE) under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002.

3. **Bettencourt Parcel Map Approval**

Item removed at the request of Art Krueger; follows Consent Calendar.

4. **Cable Franchise Transfer Time Extension**

By **RESOLUTION 04-120** extend the Cable Franchise Transfer period until October 12, 2004.

4.a **Starstream Request**

City Manager Bob Richardson asked that this urgency item be added to this agenda because the existing agreement expires prior to the next Council meeting. This is essentially the same resolution approved in July allowing negotiations to move forward between Starstream and the City while not penalizing Charter Communications for not moving forward with the upgrade during that time period.

By **RESOLUTION 04-121** approve the extension to October 12, 2004.

***** End of Consent Calendar *****

By **MOTION** approve Consent Calendar as amended. **MOTION: Sands/Hanley/Approved 5:0**

3. **Bettencourt Parcel Map Approval**

Art Krueger withdrew his request to discuss this item when he discovered this was not the subdivision he wanted to discuss.

By **RESOLUTION 04-119** approve the Bettencourt Parcel Map, Road Maintenance and Landscape Maintenance Agreement, and authorize the

Mayor to execute the project's Subdivision Agreement. **MOTION: Sands/Holmes/Approved 5:0**

5. **Public Comment**

Donald C. West of 1780 Auburn Folsom Road (just outside the city limits), expressed concern about water runoff from construction on the Cobblestone development (formerly the old Shields Ranch). Twice his property had been flooded at considerable expense to him. He said there was no EPA report on record for this project.

Gene Scott of 1858 Folsom Road agreed with Donald West's comments. His land had also flooded. He asked the Council what kind of guarantee there would be against future flooding.

George Shield of 1748 Auburn Folsom Road said his property had also been flooded.

Art Krueger of 11275 Wisteria Way said issues of concern about the flooding were not addressed when they should have been.

Council Member Holmes added that he thought this situation calls for better cooperation and liaison with the county.

Mr. Holmes said the Firehouse renovation project on El Dorado Street is under way.

REPORTS

6. **Informational Reports from Staff**

A. Public Works Director's Report.

Interim Public Works Director Jack Warren addressed the various public works projects under way as outlined in his report.

B. Fire Chief's Report.

Fire Chief Mark D'Ambrogi spoke about the recent fire at one of the city's largest residential care facilities. The incident went "extremely well". The fire alarm and sprinklers worked. The staff was well trained and the fire was contained to a single unit. There was minimal damage and the facility was "back in business" within a couple hours.

He also reported on the progress with the shaded fuel break and the various grants being applied for.

7. **City Council Committee Reports**

Council Member Sands discussed the problems the Capital Corridor commuter train system is having. She said this is due mainly to the tremendous volume of freight traffic leaving Oakland. Union Pacific Railroad said they would begin a study to see how to resolve this issue. The study will last about a year or so.

COUNCIL BUSINESS

8. **Request for Falun Gong Resolution**

Andrew Ellsmore, the proponent of this resolution, is also a practitioner of Falun Gong. He spoke of how the Chinese Communist government suppresses, tortures and kills those who indulge in this peaceful practice.

Council Member Holmes said the Chinese government feels this practice poses a threat to their government. The U.S. State Department has severely criticized them for persecuting these practitioners. He said this is a matter that should be dealt with by the federal government – not the city.

Council Member Sands said she didn't know enough about Falun Gong to vote on the resolution.

Mayor Maki said this is not a local matter. She prefers passing a resolution that promotes Falun Gong but leaves out the mention of persecution by the Chinese government.

Council Member Hanley said he supports the right of citizens to petition their government for resolutions that could gain momentum. Torture by the Chinese government is well documented. This is a serious human rights problem. He said the size of the jurisdiction that opposes tyranny doesn't matter.

Council Member Dowdin said she would like more information.

Mayor Maki asked Andrew Ellsmore to provide more information to the staff about the brutality. She then directed staff to provide a proposed resolution that includes the information about the brutality. Staff was also directed to provide a second resolution promoting Falun Gong, but without any reference to the persecution by the Chinese government.

9. **Sierra Nevada Conservancy Resolution**

Council Member Hanley said he favored the selection of Auburn as the headquarters site for the Sierra Nevada Conservancy, since Auburn is the gateway to the Sierra.

Ross Carpenter, president of the Old Town Auburn Preservation Society, offered the Conservancy the option of using the just purchased building at 215-217 Maple Street for their headquarters. He said the Society would be willing to make whatever accommodations necessary to make it viable for the Conservancy. He supports the resolution.

By **RESOLUTION 04-122** encourage the Sierra Nevada Conservancy to establish its headquarters in Auburn. **MOTION: Dowdin/Holmes/ Approved 5:0**

10. **ARD Extended Audit Request**

Council Member Hanley requested that this item be put on the agenda. He said he wanted to make sure that all the monies provide to ARD by the City of Auburn be spent in accordance with the MOU. The letter will be sent to the Board of Directors as a request that, in their next independent audit, they outline how the fees provided by the city are spent.

Council Member Holmes and Mayor Maki asked that the letter also include a request for the information of the yearly independent audit now.

Mayor Maki requested that a copy of the letter be sent to the County Board of Supervisors also.

By **MOTION** send the draft letter of request as modified. **MOTION: Sands/Holmes/ Approved by voice**

11. **Southwest Auburn Specific Plan, Baltimore Ravine**

Community Development Director Will Wong introduced this item. He said the real issue the developers have is to get commitments and options signed in order to control the majority of the acreage in the plan area. The developers would like to have the same agreement as the one worked out in 1992.

Staff received a letter signed by four of the property owners within the plan area, supporting the position that no one be opted out of the plan until the specific plan be completed first.

Richard Sipes and his daughter Christy Steen reiterated why they want to be excluded from the Urban Reserve/Specific Plan. Their property has

been family-owned for 150 years and they want to keep it in the family, pristine, as is and keep it for their children. In 1992 they opted out of the specific plan saying, "Leave us alone." That plan "fell flat on its face." They do not want to subdivide, but "give" the land to their kids.

Richard Sanborn said that the Sypes, by wanting to protect their open space, are really helping to protect the quality of life of those in the area.

Community Development Director Will Wong said that, if the Sipes were opted out of the plan, there would have to be a contingency for right-of-way access and utilities easements.

Council Member Holmes and Mayor Maki agreed that the Sipes should be exempted from the specific plan with the possibility of there being easements for access and utilities.

By **MOTION** direct staff to work with the Sipe family to remove them from the Urban Reserve/Specific Plan requirement. **MOTION: Holmes/Maki/ Approved 3:2/No Sands, Dowdin**

By the consensus of the Council, the Mayor directed staff to see if the property owners are still interested in the Southwest Auburn Specific Plan.

Adjournment at 8:20 p.m.

Cheryl Maki, Mayor

Joseph G.R. Labrie, City Clerk